IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

WP(C).No. 20081 of 2005(N)

PETITIONER:

C.KUMARAN,
RESIDING AT PULIYACHAR VEEDU, CHEPPILAMURI,
AKATHETHARA, PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SMT.M.R.VALSA
SRI.SREEKANTH.K.R
SRI.JIBU P THOMAS

RESPONDENTS:

1.THE AKATHETHARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SPECIAL GRADE SECRETARY,
AKATHETHARA P.O., PALAKKAD.

2.T.E.GANESAN,
RESIDING AT RUKMANI SADAN, CHEPPILAMURI,
AKATHETHARA P.O., PALAKKAD.

R2 BY ADV. SRI.P.N.KRISHNANKUTTY ACHAN(SR.)
SRI.K.MOHANA KANNAN
R1 BY ADV.SRI.K.ANAND

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.20081 of 2005

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Dated: 8th February, 2007

JUDGMENT

I do not propose to go into the merits of the matter. Ext.R2(f) notice was issued by the Panchayat to the petitioner and also to the 2nd respondent. The allegation in Ext.R2(f) is that both the writ petitioner and the 2nd respondent have constructed ramps on the Panchayat road illegally. To Ext.R2(f) the 2nd respondent has submitted Ext.R2(g) objections. The petitioner's allegation in Ext.P1 which he submitted before the Panchayat is that it is not a ramp which was constructed but a pucca compound wall. Mr.Mohanakannan would submit on the basis of the documents placed by the 2nd respondent that the allegations in Ext.P1 are totally incorrect. Whatever that be, since Ext.P1 and Ext.R2(g) are even now pending before the Panchayat, it is only proper that the Panchayat takes a decision on Ext.P1 and Ext.R2(g). Accordingly, this Writ Petition will stand disposed of with the following directions:

The Panchayat will take up Ext.P1 and Ext.R2(g) together, issue notice to the petitioner and the 2nd respondent, hear both of them and take a decision on Ext.P1 and Ext.R2(g) at the earliest and at any rate within six weeks of receiving a copy of this judgment. Once

decision is taken, the same will be communicated to the petitioner and the 2nd respondent.

srd **PIUS C.KURIAKOSE, JUDGE**